REMARKS

This Amendment is fully responsive to the non-final Office Action dated August 20, 2008, issued in connection with the above-identified application. Claims 45-60 were previously pending in the present application. With this Amendment, claims 45-60 have been canceled without prejudice or disclaimer to the subject matter therein; and claims 61-71 have been added. Additionally, claims 61-71 are believed to be directed to the elected invention. No new matter has been introduced by claims 61-71. Favorable reconsideration is respectfully requested.

In the Office Action, claims 45-60 have been provisionally rejected under obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 7,188,224 (hereafter "Ohta"). Claims 45-60 have been canceled thereby rendering the above double patenting rejection moot. Additionally, new claims 61-70 are not believed to be obvious in view of claims 1-20 of Ohta. For example, claims 1-20 of Ohta fail to discloses or suggest at least all the feature of the management unit recited in independent claims 61, 70 and 71.

In the Office Action, claims 45-60 have been rejected under 35 U.S.C. 102(e) as being unpatentable over Alve (U.S. Publication No. 2003/0076955, hereafter "Alve"). As noted above, claims 45-60 have been canceled thereby rendering the above rejection under 35 U.S.C. 102(e) to those claims moot. Additionally, at least independent claims 61, 70 and 71 are believed to be distinguishable over the cited prior art. For example, independent claim 61 recites *inter alia* the following features:

"[a] content duplication management apparatus that manages content duplications performed on an apparatus, comprising:...

a management unit configured to execute the management request received from said request receiving unit in order of arrival;...

said management unit,

(1) when the management request that has been received first among the management requests that have not been executed is the deletion request, adds the predetermined value to the number of permitted content duplications, and

(2) when the management request that has been received first is the duplication request and

(i) if the number indicated by the duplication restriction information is greater than the predetermined value, duplicates the content for the apparatus, and subtracts the predetermined value from the umber indicated by the duplication restriction information,

(ii) if the number indicated by the duplication restriction information is less than the predetermined value, rejects the duplication request, and

(iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, executes, on an exceptional basis, the deletion request prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information."

The features noted above in independent claim 61 are similarly recited in independent claims 70 and 71. For example, claim 70 is directed to a method and claim 71 is directed to a system, and both claims 70 and 71 include features directed to the management unit of claim 61. The features noted above are fully supported by the Applicants' disclosure (see e.g., ¶[0387] - ¶[0389].

The invention, as recited in independent claims 61, 70 and 71, is distinguishable from the cited prior art in that a management unit that executes the management request received from the request receiving unit in order of arrival also performs the following features:

(1) when the management request that has been received first among the management requests that have not been executed is the deletion request, adds the predetermined value to the number of permitted content duplications; and

(2) when the management request that has been received first is the duplication request and

(i) if the number indicated by the duplication restriction information is greater than the predetermined value, duplicates the content for the apparatus, and subtracts the predetermined value from the number indicated by the duplication restriction information,

(ii) if the number indicated by the duplication restriction information is less than the predetermined value, rejects the duplication request, and

(iii) if the number indicated by the duplication restriction information is less than the predetermined value and the deletion request exists subsequent to the duplication request, executes, on an exceptional basis, the deletion request prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information.

Therefore, when the number indicated by the duplication restriction information is greater than or equal to the predetermined value, the management unit conducts duplication processing. Furthermore, the management unit can conduct the duplication processing even when the number indicated by the duplication restriction information is less than the predetermined value.

This is because the management unit executes the deletion request prior to the duplication request, thereby adding the predetermined value to the number indicated by the duplication restriction information. In this way, the number indicated by the duplication restriction information becomes greater than or equal to the predetermined value, enabling the management unit to conduct the duplication processing.

The above-described structure of present invention makes it possible to avoid the continuation of the state where the duplication processing cannot be conducted because of the number indicated by the duplication restriction information being less than the predetermined value. Additionally, the above features and advantages of the present invention (as recited in independent claims 61, 70 and 71) are not believed to be disclosed or suggested by Alve.

Alve discloses an apparatus and technique for managing a number of content duplications. In Alve, (i) a domain traversal flag is used to determine whether a content is permitted to be sent out of an authorized domain, and (ii) usage state information, which includes a usage state "Copy X times," is used to restrict the number of content duplications up to X times, thereby preventing a widespread distribution of a content and protecting copyright.

However, in the technique disclosed by Alve, after the value of the information "Copy X times" (which is for managing the number of content duplications) becomes zero, as a result of decreasing the number of content duplications by 1 every time the content is duplicated, the content is treated as "Copy no more" or "Copy never" and can no longer be duplicated (see ¶[0061]).

In other words, Alve does not disclose or suggest managing the number of content

duplications by increasing the value of "Copy X times" when the duplicated content has been deleted, etc.. Therefore, Alve does not disclose or suggest all the features of the management unit of the present invention (as recited in independent claims 61, 70 and 71). For example, in a case where the duplication request is to be executed when the duplication restriction information (Copy X time) is less than the predetermined value (zero, for example), the content cannot be duplicated even if a management request (deletion request, etc.) that is subsequent in a request-arrival sequence queue is received at a device.

On the other hand, according to the present invention (as recited in claims 61, 70 and 71), the management unit executes the deletion request that is subsequent in the request-arrival sequence queue, prior to the duplication request, and adds the predetermined value to the number indicated by the duplication restriction information. Accordingly, the number indicated by the duplication restriction information becomes greater than or equal to the predetermined value, and the duplication processing can be conducted. As noted above, this makes it possible to avoid the continuation of the state where the duplication processing cannot be conducted because of the number indicated by the duplication restriction information being less than the predetermined value, which is an advantageous effect not disclosed or suggested by Alve.

Based on the above discussion, independent claims 61, 70 and 71 are not anticipated or rendered obvious by Alve. Likewise, claims 62-69 are not believed to be anticipated or rendered obvious by Alve at least by virtue of their dependency from independent claim 61.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue.

The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

Hiroki YAMAUCHI et al.

/Mark D. Pratt/
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By: _____
Mark D. Pratt
Registration No. 45,794
Attorney for Applicants

MDP/ats
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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